

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on March 11, 2004, the Examiner rejected claims 1-11 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Objections

Applicant has amended claim 9 in accordance with Examiner's suggestions.

Rejection under 35 U.S.C. § 101

The Examiner states that the claims 1-11 are directed to a mathematical algorithm without any limitation to provide tangible and concrete results. Applicant respectfully disagrees. Applicant respectfully submits that the claimed subject matter falls within the accepted subject matter of 35 U.S.C. § 101.

Claims 1-11 fall within the accepted process class of statutory subject matter. Claims 1-11 are directed to a process of professional development. The term "matrix" is not used in a strict mathematical sense but only as a reference to a process. Specification, page 10. "When the instructor is satisfied with his or her comprehension of the training unit, the instructor then may access an on-line lesson plan development matrix 18 that guides the instructor through the creation of lesson plans." Specification, page 10. Applicant therefore asserts that the claims are not directed to a strictly mathematical algorithm as stated by the Examiner.

Applicant respectfully submits that the amendments made to the claim set are supported by the disclosure of the application as originally filed, and that for at least the reasons provided

herein, the claim set as provided herein overcomes all rejections made by the Examiner in the Office Action.

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 7 day of June, 2004.

Respectfully submitted,



Michael T. Krieger
Attorney for Applicant
Registration No.: 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 321-4814
Facsimile: (801) 321-4893